A PRINTED PAPER CALD THE LORD DIGBIES Speech to the Bill of Attainder OF THE EARLE OF STRAFFORD. TORNE IN PEICES AND BLOWNE AWAY.

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THE LORD DIGBIES
Speech to the Bill of Attainder
OF THE EARLE OF
STRAFFORD.

Torne in peices and blowne away.

THe ſandg, that is the incohærent ſelfe-deviding & ſelfe-forſakeing ſpeech, that endeavours to ſhow how the ſame man, might both cõdemne and acquite the ſame man (the Earle of *Strafforde*) doth not ſo much call for the ſtroke of an hammer, to batter it, as a puffe of wind to blow it away, to encounter it with the Votes of the two houſes of Parliament, with the Vnited opinion of the Iudges, with the learned Argument in Weſtminſter Hall (before the Cõmittees of both houſes) were to Kill a fly with an Axe, and to honor, rather then to overthrow it. For certainely the ſtrength of it, is onely great in the kindneſſe (that I ſay not the weakeneſſe) of the Reader, ſtealeing a way the affection, not convincing the Iudgment; if Arguments be raiſed from it; they are ſuch as neede an Hoſpitall, being blinde and lame, if Arguments

be raiſed againſt it the ſpeech falls before them, like graſſe before the Mower.

Will you ſee an Argument of this paper, and indeed a paper Argument?

If it doth not appeare to him by two Teſtimonyes, that the Army of Ireland was to bee brought over to reduce this Kingdome then the Earle of *Strafford* is not guilty of High Treaſon.

Now doth he beleeue himſelfe in this propoſition, when he ſeeth divers other charges of Treaſon beſides laide againſt him; if three or foure treaſons bee obiected and proued, is it a ſufficient cauſe of cleareing if on be not proued to his mind, and as he ſayes but by a ſingle Teſtimony, though the other by more? if the Authour can not bee drawne to a better beleife by the cordes of Reaſon, I thinke he would certainely be drawne to it, by the cordes of a compariſon. If himſelfe were tyed with three or foure cordes, and a friend had freed hym from one, would he tell his friend, let me alone for I am free enough, though I am bound by the reſt; ſurely I thinke the other cordes (after ſome ſtay at leaſt) would perſwade him to change his minde by his inability to change his place.

But faults in this paper doe not goe alone For is he not willingly blind when he ſees not the Iery clauſe, Of reducing this Kingdome by an vriſh Army manefeſtly appearing in the former, and as it were looking him in the face? For a former Teſtimony of two witneſſes ſaith, that his Majeſtie is abſolued from all rules of Gouerment and may doe what power will admitt: certainly

moſt

moſt beſides himſelfe doe ſee what power will admitt the vſe of an Iriſh Army and any other that the ſame power can purchaſe, or command. So that where hee quarrels for want of an Iriſh Army there hath gotten now about his eares, *Iriſh*, *Engliſh*, *Dutch*. &c.

But yet againe he multeplies and is fruitfull in abſurdeties. He ſayes, that he hath no notion of ſubuerting Law treaſonable but onely by force; certainely this Argument then will neuer ſubuert the Law, for it hath no force in it, it is an Argument taken onely from his owne Ignorance, and runs, or rather haults thus, he knowes no other therefore there is no other: to frame this right it ſhould runn thus.

There is no way of Subuerting the Law, but that which *I* know, but *I* know no way of ſubuerting the Law, but by force. Now in the firſt of theſe is to much knowledge, and in the latter to much Ignorance.

But who ſayth this? Is it ſome auncient Iudge or Father of the Law, that hath ſwallowed and digeſted the great volumes of that iudicious and weighty profeſſion? Or is it the ſpeech of one that lookes more into the Courte then the Innes off Court? *I* pray behold an Engine ſtrongly framed to lift up and ouerpoyſe the truſt and beleife of a whole Kingdom in point of Law, *A young gentleman Knowes it not.*

But if he be not skilfull in common Law, he may be ſome what skillfull in common Reaſon, and that may tell him, that if nothing but force

can subvert Law, then Iudges can not subvert Law upon the seates of Iustice; For though they willfully pronounce iudgment contrary to Law; stop lawfull defences and rob the Subject of the benefit of Law; and let loose the prerogatiue upon the Law to destroy it, except they driue the Subjects away from Courts of iustice by Halberds & *Guns*; they may take the Law from them by false iudgments, denying *Prohibitions Habeas corpus*, & all Legall Remedies and yet not subuert the Law. If this Authors estate should be lost by this way of Iniustice, he may comfort himselfe (and let it be his comfort alone) that it is not lost by Subverting the Law. O unhappy *Tresilian* that thou didst not liue in the times, when such Patronages might haue beene giuen thee, for then mightest thou have liued out thy time; since thou couldst not committ Treason by subverting the Iron Lawes, but onely by Iron.

And now I am fallen upon *Tresilian*, I may not forgett this Authors Argument, to which this *Tresilian* will giue an vnhappy concluſion.

He argues thus:

The Earle of Straffords practises have beene as high, as tyrannicall, as ever any. But the practises of *Tresilian* and others haue been as high as high-Treason. Therefore the Earle of Straffords practises haue beene as high as high Treason.

Thus you see how this Author with the helpe of *Tresilian* hath pronounced sentence against the E. of Strafford. So that if he had no other Iudge this one thus assisted would condemne him, when he

he goes about to ſave him.

But that is nothing to the purpoſe, that he is condemned; for though he be condemned; and ſo condemned, that hee can never be abſolved till he be diſpatcht into another world, yet this Author will not have a hand in this diſpatch.

A merciſull Inference and moſt unſutable to the premiſes, eſpecially if it come out of the mouth of a Iudge. Marke how it ſoundes in ſuch a mouth, I being a Iudge condemne you as guilty of murher or of as high a treaſon as ever any, but I will haue no hand in your ſentence or diſpatch. If Iudges ſhould ride their Circuits and end their Aſſies in this Logicke, granting the premiſes, and denying the concluſion, were it not moſt vaine & a meere mockery of Iuſtice? For it were only to find faultes and not to correct them, and to turne iuſtice into meere wordes. It would ſhortly make a kingdome a den of Theeues, murderers and Traytors, and ſafe for none to dwell in; no not for thoſe that teach this doctrine; though they may be thought by teaching to deſerue it. *Nec enim Lex equiar ulla &c.*

Laſtly, who can beleeve this mans ſuſpitions rather then *Sr. Henry Vanes* Oath vpon adviſed Recollection? And oath that gets an addition of beleife from the ſpeeches going before (joyntly teſtifyed by the Truely Noble Earle of *Northumberland*) and backt by a memoriall written the ſame day when the words were ſpoken: which words cald venemous by this paper, had their venome from the ſpeaker, not the hearer, and being

being Recorded the ſame day wherein they were ſpoken, did ariſe thereby to ſuch a pregnance of Teſtimony, that it became very great, and might in a wiſe mans eye (be it *M. Pym* or any other) looke very neare as big as two.

But though the Teſtimonyes be big, or many, and the charges many alſo; and the Earle of Strafford as high and Tyrannicall in practiſes as ever any (by this authors confeſſion) yet he muſt at once be both condemned, and ſaved.

Though in his ſaving, the *Voter* of both Houſes be condemned, and the Kingdome and law in danger not to be ſaved.

FINIS.